

Amendments to the Claims

Claims 1-35. (Cancelled)

Claim 36. (Currently Amended) A method of using fetal body tissue, said method comprising inserting a removal apparatus into a donor through a percutaneous incision, wherein the removal apparatus includes a shaft that is at least partially flexible, guiding the removal apparatus to a desired location within the donor's body, the removal apparatus movable along a non-linear path, separating portions of fetal tissue from other portions of the donor, moving the separated portions of fetal tissue along a passage in the removal apparatus by suction, maintaining ~~[[the]]~~ sterility of the removed separated portions of fetal tissue for harvesting and transplantation, and implanting the separated portions of fetal tissue in a patient.

Claim 37. (Cancelled)

Claim 38. (Currently Amended) The method of claim 57 wherein a rotating motion is used to separate the portions of fetal tissue.

Claim 39. (Previously Presented) The method of claim 57 wherein a reciprocating motion is used to separate the portions of fetal tissue.

Claim 40. (Currently Amended) The method of claim 36 further comprising ~~[[the]]~~ a step of irrigating the fetal tissue.

Claim 41. (Currently Amended) The method of claim 40 wherein ~~the step of~~ irrigating and ~~the step of~~ applying suction alternates.

Claim 42. (Currently Amended) The method of claim 40 wherein ~~steps of irrigating and the step of~~ applying suction occur substantially simultaneously.

Claim 43. (Previously Presented) The method of claim 36 wherein the passage includes a filter.

Claims 44-45. (Cancelled)

Claim 46. (Currently Amended) The method of claim 36 further including, wherein prior to implantation, combining the separated portions of fetal tissue ~~are combined~~ with a material selected from the group consisting of tissue grafts, collagen, and bone growth promoting substances.

Claim 47. (Currently Amended) The method of claim 36 further including wherein adding an adhesive element ~~is added~~ to the separated portions of fetal tissue prior to implantation.

Claim 48. (Previously Presented) The method of claim 47 wherein the adhesive element is blood or fibrin.

Claim 49. (Currently Amended) The method of claim 36, further including ~~comprising~~ adding a biodegradable material to the separated portions of fetal tissue ~~to a biodegradable material~~ prior to implantation.

Claim 50. (Currently Amended) The method of claim 36 further including ~~comprising~~ adding a polymer to the separated portions of fetal tissue ~~to a polymer~~ prior to implantation.

Claims 51-52. (Cancelled)

Claim 53. (Currently Amended) The method of claim 36 wherein ~~cutting~~ separating is performed through a cannula.

Claims 54-56. (Cancelled)

Claim 57. (Currently Amended) The method of claim 36 wherein the ~~apparatus comprises a flexible shaft,~~ shaft includes a cutting tip mounted on a distal portion ~~of the flexible shaft,~~ and drive means, the drive means connected in a force-transmitting relationship with the ~~flexible~~ shaft for transmitting force to move the cutting tip and wherein cutting with the cutting tip separates the portions of fetal tissue from the other portions of the donor.

Claim 58. (Cancelled)

Claim 59. (Currently Amended) The method of claim 57 wherein the ~~flexible~~ shaft further includes a flexible inner member which is rotatable about a central axis of the shaft and an outer member which extends along and encloses the inner member.

Claim 60. (Previously Presented) The method of claim 59 wherein the outer member has greater rigidity than the inner member.

Claim 61. (Previously Presented) The method of claim 60 wherein the passage is located between the inner and outer members.

Claims 62-65. (Cancelled)

Claim 66. (Currently Amended) The method of claim 57 wherein the cutting tip includes aspiration openings located on ~~[[the]]~~ an outer periphery ~~of the cutting tip~~ and spaced from a distal end ~~of the cutting tip~~, the aspiration openings ~~[[in]]~~ operable for fluid communication with the passage.

Claim 67. (Currently Amended) The method of claim 36 wherein the separated portions of fetal tissue are harvested and transplanted into the ~~body~~ donor from whom the tissue was removed.

Claim 68. (Withdrawn) A method of using body tissue, said method comprising the steps of moving at least a portion of a shaft of an elongate member through a percutaneous incision in a donor such that a leading end of the shaft is located within cortical confines of a bone; removing body tissue from the donor through the percutaneous incision, whereby the removed body tissue is removed from within the bone, contains viable cells, and substantially free of hard bone; conveying the removed body tissue along a passage in the shaft under the influence of suction; and implanting at least one component of the removed body tissue in a patient, wherein the at least one component includes viable cells and is maintained sterile until implantation.

Claim 69. (Withdrawn) The method of claim 68 wherein the step of removing body tissue includes controlling position of the leading end of the shaft, the shaft flexible such that the leading end is movable along a nonlinear path.

Claim 70. (Withdrawn) The method of claim 68 wherein prior to implantation the at least one component of the removed body tissue is combined with a material selected from the group consisting of tissue grafts, collagen, antibiotics, and a bone growth promoting substance.

Claim 71. (Withdrawn) The method of claim 70 wherein the bone growth promoting substance is hydroxyapatite or tricalcium phosphate.

Claim 72. (Withdrawn) The method of claim 68 wherein an adhesive element is added to the at least one component of the removed body tissue.

Claim 73. (Withdrawn) The method of claim 72 wherein the adhesive element is blood or fibrin.

Claim 74. (Withdrawn) The method of claim 68 further comprising the step of adding the at least one component of the removed body tissue to a polymer.

Claim 75. (Withdrawn) The method of claim 68 wherein at least one of the steps of removing and implanting is performed through a cannula.

Claim 76. (Withdrawn) The method of claim 68 wherein at least one of the steps of removing and implanting is performed under endoscopic, arthroscopic, or fiber optic guidance.

Claim 77. (Withdrawn) The method of claim 68 wherein the donor is the patient.

Claim 78. (Withdrawn) The method of claim 68 wherein the at least one component of the removed body tissue is separated from the removed tissue by using a filter.

Claim 79. (Withdrawn) The method of claim 78 wherein the at least one component of the removed body tissue is implanted with a retainer.

Claim 80. (New) The method of claim 36 further including introducing a sleeve having a plurality of inflatable elements spaced serially, the inflatable elements operable for control of rigidity of the removal apparatus.

Claim 81. (New) The method of claim 80 including forming the removal apparatus into a desired shape or position by selectively and individually inflating or deflating the plurality of inflatable elements.